Joint Written Submission
United Nations Human Rights Council
43rd Regular Session – Item 7

Fulfilling the Mandate of Resolution 31/36 (2016):
A Question of Credibility for the UN Human Rights Council

Date: 3 February 2020

As Israel’s occupation is further entrenched, corporations continue to profit from Israel’s grave breaches of international law, which deny the Palestinian people their inalienable right to self-determination, including permanent sovereignty over their land and other natural resources. Since 2016, Israel has escalated its construction of illegal Israeli settlements in the occupied West Bank amid increasing calls and threats by Israeli leaders for annexation.¹ There is an escalation in efforts, particularly by the United States,² to undermine international law with regard to the Israeli occupation and its illegal settlement enterprise in the occupied Palestinian territory and in the occupied Syrian Golan.

At the same time, steps by the United Nations (UN) Human Rights Council to provide a measure of transparency and accountability for Israel’s illegal settlement activities and associated business enterprises, through the publication of a database of businesses operating in Israeli settlements (‘the database’), as mandated by Human Rights Council resolution 31/36 of 24 March 2016,³ have been stalled due to reported political pressure and interference exerted on the UN High Commissioner for Human Rights and her Office by certain States.⁴

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⁴ There have been several media reports highlighting political interference exerted against the publication of the database. See, for example, Josef Federman, Josh Lederman and Jamey Keaten, “Israel races to head off UN settlement ‘blacklist’,” AP, 26 November 2017, available at:
In the years since the passing of Human Rights Council resolution 31/36, the Office of the UN High Commissioner for Human Rights (OHCHR) has consistently failed to publish the database. In March 2019, High Commissioner Bachelet wrote to the President of the Council pledging to fulfil the mandate “in coming months.” Now, one year later, the database has yet to be transmitted nor has there been adequate explanation or justification for the delay. These repeated, open-ended, and unexplained delays have no precedent in the handling of previous mandates by OHCHR.

During the 41st regular session of the Human Rights Council, 27 States presented a joint statement, in which they reiterated the importance that the High Commissioner and her Office are able to carry out mandates and work independently and impartially “without interference of any kind,” including based on “political considerations.” During the same session, 65 States requested, in a joint statement, that the High Commissioner urgently fulfil the database mandate in its entirety. Moreover, in October 2019, the UN Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, Michael Lynk, called on the High Commissioner to release the database “in a fully transparent fashion, with all businesses named.”

It is no longer a question of when the database will be released but of whether the UN High Commissioner for Human Rights will fulfil a mandate entrusted to her Office by the Human Rights Council. If the mandate, as established by resolution 31/36, is not fulfilled or continues to be unnecessarily delayed, this would set a dangerous precedent in the Human Rights Council. The effectiveness and credibility of the Council, as an institution, would be jeopardized if a High Commissioner is able to choose which mandates to implement without any explanation and this would send a message that mandates viewed negatively by some States can be overturned despite adoption by the Council. Any threat to the effectiveness and credibility of the Human Rights Council should be an issue of concern to all UN Member States.

**Conclusion and Recommendations**

Efforts to obstruct the transmission of the database not only promote impunity and enable further entrenchment and expansion of Israel’s illegal settlements but also threaten the
effectiveness and credibility of the Human Rights Council as a whole. Accordingly, our organizations call on Member States of the UN Human Rights Council to:

1. Ensure that all Human Rights Council mandates are implemented without delay, to protect the effectiveness and credibility of the Council as a whole;

2. Publicly call on the UN High Commissioner for Human Rights to impartially and credibly fulfil the mandate entrusted to her in Human Rights Council resolution 31/36 of 24 March 2016; and

3. Prevent the setting of a precedent that could be used to obstruct the fulfilment of future Human Rights Council mandates, as adopted by Member States.